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AUG 28 1996

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of

CONTEMPORARY MEDIA, INC.

Licensee of Stations WBOW(AM), WZZQ(AM), and
WZZQ (FM), Terre Haute, Indiana

Order to Show Cause Why the Licenses for Stations
WBOW(AM), WZZQ(AM), and WZZQ(FM) Terre Haute,
Indiana, Should Not Be Revoked

CONTEMPORARY BROADCASTING, INC.

Licensee of Station KFMZ(FM), Columbia Missouri, and
Permittee of Station KAAM-FM, Huntsville, Missouri (unbuilt)

Order to Show Cause Why the Authorizations for Stations
KFMZ(FM), Columbia, Missouri; and KAAM-FM, Huntsville,
Missouri, Should Not Be Revoked

LAKE BROADCASTING, INC.

Licensee of Station KBMX(FM), Eldon, Missouri and
Permittee of Station KFXE(FM), Cuba, Missouri

Order to Show Cause Why the Authorizations for Stations
KBMX(FM), Eldon, Missouri; and KFXE(FM), Cuba,
Missouri, Should Not Be Revoked

LAKE BROADCASTING, INC.

For a Construction Permit for New FM Station on
Channel 244A at Bourbon, Missouri

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) File No. BPH-921112MH

To: The Honorable Arthur I. Steinberg
Administrative Law Judge

MOTION TO REOPEN RECORD

Contemporary Media, Inc., Contemporary Broadcasting, Inc. and Lake Broadcasting, Inc. (the "Licensees"), by their attorneys, hereby respectfully request the Presiding Judge to reopen the record of the above-captioned proceeding for the limited purpose of receiving the

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attached documents as evidence in the record. In support hereof, the following is shown:

1. Attached hereto is a three-page document, the first page of which is the text of Section 589.040 of the Revised Statutes of Missouri (§589.040 RSMo), and the second and third pages of which are a facsimile copy of a brochure received today from the Missouri Department of Corrections, Division of Offender Rehabilitative Services^{1/} concerning the Missouri Sexual Offender Program ("MOSOP"). The Licensees respectfully request that the record be reopened to permit the attached documents be marked for identification as Contemporary Exhibit 7^{2/} and received into evidence.

2. Undersigned counsel only learned of the existence of §589.040 RSMo and the MOSOP after the record in this proceeding was closed, in connection with our learning about an upcoming parole hearing for Mr. Rice. More particularly, undersigned counsel learned that pursuant to the statutory mandate of §589.040 RSMo, prior to his release, Mr. Rice will be required to participate in and complete MOSOP, an approximate one-year rehabilitative, therapeutic program which is fully described in the attached informational brochure.

3. It is respectfully submitted that the attached information is relevant to the mitigation factor of rehabilitation under Issue No. 1 (the Michael Rice conviction issue) in this proceeding. See Policy Statement and Order, 5 FCC Rcd. 3252 (1990) at ¶5. Indeed, the Presiding Judge may take judicial notice of §589.040 RSMo with the brochure which simply provides explanatory information concerning MOSOP.

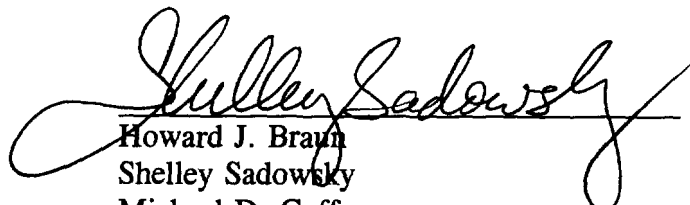
^{1/} The facsimile notation at the top of the document reflects that the document was telecopied from the Department of Corrections Rehabilitation Services (DOC Rehab Services).

^{2/} Contemporary Exhibit No. 6 was marked for identification at Tr. 562 and was subsequently withdrawn by counsel for the Licensees at Tr. 602. The Licensees defer to the Presiding Judge as to whether the attached documents should therefore be identified as Contemporary Exhibit 6, instead of Contemporary Exhibit 7.

4. The Bureau will not be prejudiced by the inclusion of the attached document in the record as the parties have sufficient time to argue the weight of such evidence in their Proposed Findings of Fact and Conclusions of Law due to be filed on September 9, 1996.

WHEREFORE, for the reasons set forth above, it is respectfully requested that the record of this proceeding be reopened for the limited purpose of identifying and receiving the attached document into evidence.

Respectfully submitted,



Howard J. Braun
Shelley Sadowsky
Michael D. Gaffney

Rosenman & Colin LLP
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Counsel for Contemporary Media, Inc.,
Contemporary Broadcasting, Inc. and
Lake Broadcasting, Inc.

August 28, 1996

Citation
MO ST 589.040
V.A.M.S. 589.040

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R 1 OF 1

Database
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Page

VERNON'S ANNOTATED MISSOURI STATUTES
TITLE XXXVIII. CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS
CHAPTER 589. CRIME PREVENTION AND CONTROL PROGRAMS AND SERVICES
SEXUAL ASSAULT PREVENTION
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Current through 1995 1st Reg. Sess.

589.040. Duties of department of corrections--certain inmates to participate in programs

1. The director of the department of corrections shall develop a program of treatment, education and rehabilitation for all imprisoned offenders who are serving sentences for sexual assault offenses. When developing such programs, the ultimate goal shall be the prevention of future sexual assaults by the participants in such programs, and the director shall utilize those concepts, services, programs, projects, facilities and other resources designed to achieve this goal.

2. All persons imprisoned by the department of corrections for sexual assault offenses shall be required to successfully complete the programs developed pursuant to subsection 1 of this section.

CREDIT(S)

1995 Main Volume

(L.1980, H.B. Nos. 1138, 1279, 1461, 1534, 1537, 1592 & 1634, p. 499, s 6.
Amended by L.1990, H.B. No. 974, s A.)

HISTORICAL AND STATUTORY NOTES

1995 Main Volume

The 1990 amendment twice deleted "and human resources" following "department of corrections"; in subsec. 1 substituted "imprisoned offenders" for "prisoners"; and in subsec. 2 substituted "successfully complete the programs" for "participate in the programs."

V. A. M. S. 589.040
MO ST 589.040
END OF DOCUMENT

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1984-1985 Releases

<u>Reasons for Recidivating</u>	<u>Completed MOSOP</u>	<u>Did Not Complete MOSOP</u>
New Sex Offense	2.9%	9.0%
New Non-sex Offense	5.7%	8.3%
Return for Parole Technical Violation	6.7%	12.8%
Other	1.8%	2.0%
TOTAL:	17.1%	32.1%

"The Missouri Sexual Offender Program:
Inmate Characteristics and Recidivism
Analysis"

By Timothy A. Pierson, Ph.D. (1988)

MoSOP Mission Statement

The Mo Sexual Offender Program has been established within the Department of Corrections as a professional treatment, education and rehabilitation resource for all incarcerated sexual offenders. One of the oldest corrections-based treatment programs, MoSOP is dedicated to maintaining the highest degree of professional competence and ethical standards.

The ultimate goal of this effort is to create a safer environment for all Missouri citizens by contributing to the prevention of future sexual assaults.

For further information about MOSOP, call
or write:

Department of Corrections
Missouri Sexual Offender Program
1012 W. Columbia
Farmington, MO 63640
(573/756-8001)

MOSOP
MISSOURI SEXUAL OFFENDER PROGRAM



**DIVISION OF
OFFENDER REHABILITATIVE
SERVICES**

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DOC REHAB SERVICES

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What is MOSOP?

Since 1983, the Missouri Sexual Offender Program (MOSOP) has existed as a treatment program for incarcerated sexual offenders that utilizes an intensive and confrontive group therapy approach. Primary emphasis is placed on the offender's RESPONSIBILITY for all aspects of his behavior with particular attention given to thinking patterns and coping skills. The offender may not take a passive or observer role during the therapy process, rather, he is required to actively participate.

Who is Required to Participate in MOSOP?

Any defendant found guilty of a sexual assault offense and sentenced to a term of incarceration in the Department of Corrections will automatically be required to participate in MOSOP*.

Such a judgment by the Court:

1. Virtually assures that the offender will receive regular, on-going professional mental health treatment;
2. Assures that treatment will be provided by a team of knowledgeable psychologists who specialize in the treatment of sexual offenders; and
3. Assures the safety of potential victims while treatment is taking place.

MOSOP is mandatory. It relates to release on parole for all offenders convicted of sexual assault offenses which occurred after August 13, 1980. (Revised Mo. Statute 589.040)

Approximately 15% of the inmates in the Department of Corrections are convicted of sexual assault offenses. At any given time, there are 200-250 inmates undergoing therapy in MOSOP.

How is MOSOP organized and how long does treatment last?

There are two phases of MOSOP, each having distinct, but interrelated functions.

PHASE I

PHASE I lasts approximately two weeks. During this period, each participant is involved in extensive psychological testing and structured interviews. The results of this evaluation are used to determine a treatment plan for the next phase. PHASE I also includes a series of classes designed to inform the participant about MOSOP specifically and to provide a general understanding of therapy, human behavior, thoughts and feelings.

PHASE II

PHASE II lasts about one year. All therapy is conducted in a group setting with one therapist leading a particular group for the duration of treatment. The group meets for 1 to 1½ hours four times each week, and more often when necessary. The therapy is structured, and the participants have an opportunity to learn and utilize:

- Problem-Solving Skills
- Assertiveness Skills
- Empathy Skills
- Relapse Prevention Planning

The key to the MOSOP therapy format is for the participants to take RESPONSIBILITY

for their own attitudes, beliefs, behaviors, emotions and actions.

When do inmates participate in MOSOP?

Due to the large number of sexual offenders, inmates are typically placed in MOSOP when they have 18 to 24 months or less remaining on their sentences.

NOTE: Inmates who have sentences of two years or less are often unable to participate in MOSOP because their short stay in DOC does not allow enough time for entry into and completion of the program. However, these offenders typically will receive Phase I.

Where is the MOSOP treatment program located?

The program is located at the Farmington Correctional Center in Farmington, Missouri. Female sex offenders receive program services at the Renz Correctional Facility.

How successful has MOSOP been in fulfilling its statutorily mandated goal of "Prevention of Future Sexual Assaults by the Participants"?

A recent research study conducted by the Department strongly suggests that the program has had a positive impact on post-release behavior of sexual offenders.

The following table demonstrates the known recidivism rates of all 261 sexual offenders released in 1984-1985.

CERTIFICATE OF SERVICE

I, Debra A. Williams, a secretary in the law offices of Rosenman & Colin LLP, do hereby certify that on this 28th day of August, 1996, I have caused to be hand-delivered, a copy of the foregoing "Motion to Reopen Record" to the following:

Hon. Arthur I. Steinberg
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.
Room 228
Washington, D.C. 20554

Robert A. Zauner, Esq.
D. Anthony Mastando, Esq.
Enforcement Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554


Debra A. Williams